

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, January 17 , 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, K. Holt, P. Kochenburger (arr. 7:30),

P. Plante, B. Ryan, G. Zimmer

Members absent: J. Goodwin, R. Hall

Alternates present: C. Kusmer, V. Stearns

Alternates absent: B. Pociask

Staff present: C. Hirsch (Zoning Agent), G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7 p.m., appointing Alternate Stearns to act in place of Mrs. Goodwin, and Alternate Kusmer to act until Mr. Kochenburger's anticipated arrival. He arrived at 7:30 p.m., and Mr. Kusmer was then appointed to act in place of Mr. Hall.

Minutes: 1/3/06 – Zimmer MOVED, Holt seconded to approve the Minutes as presented; MOTION CARRIED, all in favor except Stearns and Kusmer (disqualified).

1/12/06 field trip – Under item 1, remove “met with Bill Briggs, the builder, representing the applicants, to observe...”, and substitute “Members observed...” With this emendation, Gardner MOVED, Ryan seconded to approve the Minutes as amended. MOTION CARRIED, Gardner, Ryan, Favretti and Holt in favor, all else disqualified.

Addition to agenda – Holt MOVED, Gardner seconded to add to the agenda under “New Business” a request for a site modification at 452 Storrs Rd (Home Selling Team, file 510); MOTION PASSED unanimously

Zoning Agent's Report – The December, 2005 Enforcement Activity report was acknowledged.

McCarthy court case update - Mr. Padick reminded members that the PZC is being challenged on the conditions of approval for Mr. McCarthy's application to construct 2 new buildings with parking and driveway additions at 452 Storrs Rd. The case is scheduled to come to court on Feb. 28th, 2006. The modification request just added to tonight's new business applies only to the existing building.

Temporary real estate sign at 574 Middle Turnpike – Mr. Hirsch has sent a letter ordering the reduction in size of the sign, but has received no reply as yet.

Lucky Thirteen Tattoo Parlor, Cedar Swamp Rd./Middle Tpk. – Mr. Hirsch will investigate to determine which health agency is responsible for monitoring sanitary conditions.

Old Business

Aquifer Protection Regulations and associated Zoning Map revision, file 907-26 – Holt MOVED, Ryan seconded that the Mansfield Aquifer Protection Agency adopt, pursuant to the Connecticut General Statutes and State regulations, the attached Mansfield Aquifer

Protection Area Regulations and Zoning Map delineation of a State-approved Aquifer Protection Area in north-central Mansfield. The adopted Regulations and map delineation were presented as 11/7/05 drafts at the Agency's 12/19/05 Public Hearing and have been subsequently revised to incorporate minor technical corrections to Sections 2 (a) (9) and (19) and Section 12 (a)(1)(F) of the Regulations and to a proposed map note on the Zoning Map delineation. These corrections were recommended in a 12/6/05 letter from R. Hust, of the CT Department of Environmental Protection.

The adopted Regulations and map delineation are subject to final approval by the State Department of Environmental Protection. Upon receiving State approval, the Agency shall establish an effective date and file the Regulations and map in the office of the Mansfield Town Clerk. This action has been taken to comply with Aquifer Protection Area requirements contained in the State Statutes and State regulations. The new Regulations will help protect State-designated Aquifer Protection Areas in Mansfield. MOTION PASSED unanimously.

Draft 2006 Plan of Conservation & Development Update – Memos were noted from M. Berliner/Town Council, (1/12/06, w/attached proposed additions to Part II, B.1.c) and the Dir. of Planning (1/12/06 and 1/17/06, which contains updated language to address the Town Council's recommendations). Mr. Padick noted that he and Chairman Favretti revised the language in the draft relating to the scale and character of the Storrs Center Downtown project to explain more clearly the intent of this recommendation, and also to satisfy concerns expressed by the Council at its December 12, 2005 meeting. He also added that the wording regarding the Storrs Center Municipal Development Plan (MDP) should be changed to read that the Plan "has been prepared", rather than "is being finalized", as was the case when the draft was prepared. Also, this section (Part II, Section B.1.c, page 33) should state that the Planning and Zoning Commission reviewed the Municipal Development Plan and is in accord with it. Mr. Padick's memo, distributed at this meeting, presented revised wording for both of these items. Chairman Favretti noted that in addition to unanimously approving the Plan of Conservation and Development, the Town Council commended the Planning and Zoning Commission for its efforts in preparing the document. During discussion, all members agreed that Mr. Padick's proposed wording revisions are acceptable. Holt then MOVED, Plante seconding, to adopt by Resolution, effective March 1, 2006 or upon filing of the new Plan in the office of the Town Clerk, an updated Plan of Conservation and Development for the Town of Mansfield. This new Plan, which replaces the Town's 1993 Plan of Development, was prepared pursuant to the provisions of Section 8-23 of the State Statutes. The Plan was presented at a 10/5/05 Public Hearing as "August 15, 2005 draft text and August, 2005 draft mapping", and this adoption action incorporates revisions cited in an 11/30/05 addendum and additions to Part II, Section B.1.c of the Plan, as recommended by the Town Council, and by the Director of Planning in a 1/17/06 memorandum. The Commission hereby authorizes its Chairman, with staff assistance, to approve final text and mapping incorporating the approved revisions to the 8/15/05 text and 8/05 mapping.

As cited in Parts II and III of the Plan text, this new Mansfield Plan of Conservation & Development is fully consistent with the State's Conservation and

Development Policies Plan for Connecticut 2005-2010 and the 2002 Windham Region Land Use Plan. The adopted Plan includes policy goals, information on Mansfield's history, demographics, natural and manmade resources, existing land use, zoning and infrastructure and objectives and recommendations designed to achieve the Plan's policy goals. MOTION PASSED unanimously.

Tabled items:

Proposed efficiency unit at 98 Summit Rd., D.&J. McChesney, file 1240 (Public Hearing scheduled for 2/6/06)

Proposed 1-lot subdivision, Nelson Brook Estate, Kueffner, o/a, file 1241 (awaiting staff reports)

Proposed modification request for chapel use at 1768 Storrs Rd., N. Smith, o/a, file 864-3 (awaiting staff reports)

Proposed PZC fee revisions – (awaiting staff report)

New Business

Proposed retail/storage/office use at 699 Storrs Rd., G W. Building & Development, LLC, o/a. – Gardner MOVED, Holt seconding, to receive the special permit application (file 554-3) submitted by G.W. Building & Development, LLC, for a retail and wholesale sales, storage and office use at 699 Storrs Rd., owned by the applicant, as shown on an undated site plan and as described in other application submissions, to refer said application to the staff for review and comments, and to set a Public Hearing for Feb. 6, 2006. MOTION PASSED unanimously.

Public Hearing: Public Hearing: PZC-proposed revisions to Article III of the Zoning Regulations, regarding: (1) subdivision moratorium extension; (2) new moratorium on rezonings to DMR, PRD or ARH in southern Mansfield, south of Pleasant Valley Rd., west of Mansfield City Rd., file 907-24 – The Public Hearing was called to order at 7:36 p.m. Members and alternates present were Favretti, Gardner, Holt, Kochenburger, Plante, Ryan, Zimmer, Kusmer and Stearns. The legal notice was read and comments were noted from the Director of Planning (1/12/06, with attached proposed wording), Town Attorney (1/11/06), WINCOG Regional Planning Commission (1/5/06, read aloud), Open Space Preservation Committee (1/9/06), and Conservation Commission (1/11/06).

Mr. Padick stated that the subdivision moratorium first went into effect on May 7, 2005, for the purpose of affording more time toward completion of the 2006 draft Plan of Conservation & Development update, which, it was hoped, would be approved by Fall, 2005. It was noted that, with the approval of some 70-plus lots applied for just prior to the moratorium, Mansfield would have an adequate supply of housing to last until the end of the moratorium. But this projected time schedule was not achieved, and more time is needed to finalize the draft Plan and to complete work on the Regulations to make them compliant with the recommendations in the new Plan. The proposed extension would be effective until June 1, 2006.

A second moratorium is being proposed on rezonings to DMR, PRD or ARH in southern Mansfield, on land south of Pleasant Valley Rd., west of Mansfield City Rd.

This moratorium, which would run until September 1, 2006, would also afford more time to make the current Regulations compliant with the new Plan.

David Wade, Mansfield City Rd., asked what revisions are proposed to the Regulations. Mr. Padick explained briefly, noting that potential revisions to the Zoning Map could address rezoning of 1-acre lots to 2 acres, but added that each site's characteristics would be the dominant determinant. Additional reasons for the revisions would be to maximize the town's open space and to provide adequate water and sewer services. At 7:50 p.m., after brief discussion by the Commission, the Public Hearing was closed.

Kochenburger MOVED, Plante seconding, to add discussion and possible action on this issue to the agenda; MOTION PASSED unanimously. Kochenburger then MOVED, Holt seconding, to approve, effective February 1, 2006 or upon publication of notice of this action, the attached PZC-proposed revisions to Article III of the Zoning Regulations. The revisions were presented as an 11/30/05 draft at a Public Hearing held on January 17, 2006. The approved revisions extend until June 1, 2006 an existing moratorium on new subdivisions or resubdivisions that include proposed streets or divisions of land into more than two (2) lots, and would establish a new moratorium until 9/1/06 on new applications to create a Design Multiple Residence, Planned Residence or Age-Restricted Housing zone on land currently zoned Professional Office-3 or Industrial Park, located in southern Mansfield, south of Pleasant Valley Road. The subdivision moratorium applies to land within Mansfield's Residence-20, Residence-40, Rural Agricultural Residence-40, Rural Agricultural Residence 40/Multi-family and Rural Agricultural Residence-90 zones.

These revisions are adopted pursuant to the provisions and authority contained in the CT General Statutes, including Section 8-2, which grant the PZC the following:

- the authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the mandate to promote health, public safety and the general welfare, to prevent the overcrowding of land;
- the mandate to give reasonable consideration as to the character of a zoning district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

The attached revisions to the Zoning Regulations and Subdivision Regulations are adopted for the following reasons:

1. to regulate land uses in a manner best suited to carry out the purposes of Title 8, Chapters 124 and 126 of the CT General Statutes; to promote the goals and objectives of Mansfield's Plan of Conservation and Development and Article I of the Zoning Regulations, and to promote the health, safety, convenience and welfare of the public. The Statement of Purpose in Article III, Section A.1 and Section B.1 provides additional rationale for the adoption of these revisions;
2. to encourage the most appropriate use of land, to protect and enhance the value of properties and to protect and enhance natural and manmade features and scenic resources in Mansfield's residential zones and in a potential multi-family housing zone in southern Mansfield;

3. to provide the Commission with the time necessary to complete an update of Mansfield's 1993 Plan of Conservation and Development, pursuant to Section 8-23 of the Connecticut General Statutes and to consider adoption of potential amendments to the Zoning Map, Zoning Regulations and Subdivision Regulations, pursuant to Sections 8-2 and 8-25 of the Connecticut General Statutes.

Mansfield's current Plan of Conservation and Development was adopted in 1993. Since early 2002, the

Commission and its staff, primarily the Director of Planning, have been working on an update of the Plan. Based on the provisions of Section 8-23 of the State Statutes, which specifies that the Plan should be updated at least once every ten years, the Town's goal was to complete the Plan update in 2003. This completion objective has not been achieved and, because of the number of subdivision applications and new lots submitted just prior to the May subdivision moratorium, completion of the Plan update has been delayed beyond the completion goal of the fall of 2005. Upon completion of the Plan update, additional time will be necessary for the PZC to consider zoning and regulatory revisions that implement Plan goals, objectives and recommendations.

4. The proposed terms for the moratoriums are considered reasonable in light of the objectives cited in #3 above, and the adopted applicability is limited in scope and will not prevent a continuation of Mansfield's historic rate of new single-family development. The adopted moratorium does not prevent the construction of new single-family homes on previously-approved lots. Except for the land in southern Mansfield, subject to Article III, Section B, the moratoriums do not apply to multi-family housing or applications for zone changes, regulation changes, special permits or site plans. Mansfield has a current inventory of over 100 subdivision lots. This inventory is significantly higher than

necessary to allow a continuation of new single-family home construction in Mansfield. Since 1995, an average of 37 new single-family homes per year have been given construction permits. A number of these new homes have been constructed as "first cuts" that are not subject to subdivision approval. These "first cuts," or one-lot subdivisions, are not subject to this moratorium.

5. During the forthcoming seven (7)-month period, the Planning and Zoning Commission anticipates that a significant amount of time will be needed to review and act upon various elements of the planned Storrs Downtown project, which will not be affected by this moratorium. Mansfield's Downtown Partnership, Inc. is completing work on a Municipal Development Plan (MDP) for a new Storrs Center Downtown development. Based on draft MDP information, this project may include over 170,000 square feet of retail and restaurant space, 80,000 square feet of office space and 800 units of housing. Upon approval of the MDP, which is expected soon, next steps will include the submission of a zone change application to create a new Special Design District and new zoning regulations to address permitted uses, application submission and application approval processes. These applications are expected to be submitted within the next 1 to 2 months. The review and processing of these applications may significantly affect the ability of the Commission and its staff to begin work on implementing new Plan goals, objectives and recommendations.

6. The revisions are considered acceptably worded and suitably coordinated with related zoning and subdivision provisions. The proposed wording has been found legally acceptable by the Town Attorney.

MOTION PASSED unanimously.

Regulatory Review Committee – Expected to start meeting regularly shortly after 2/6/06. All members and alternates are invited to participate.

New Business (continued)

Bovino Manor, proposed 1-lot subdivision on Conantville Rd., M. Dilaj, trustee/applicant, file 1241 – Holt MOVED, Gardner seconded, to receive the subdivision application (file 1241) for a one-lot subdivision, Bovino Manor, on property located on Conantville Road owned by V. and F. Bovino, as shown on plans dated 1/6/06 and as described in other application submissions, and to refer said application to the staff for review and comments. MOTION PASSED unanimously.

Wild Rose subdivision, request to use letter of credit, file 1113-3 – Mr. Padick's 1/13/06 memo was noted. Mr. Padick added that a letter of credit issued by The Savings Institute has been approved by the town's Finance Director. Gardner MOVED, Holt seconded, that the PZC Chairman, with staff assistance, be authorized to accept a letter of credit from The Savings Institute for the Wild Rose Estates, Phase 2 subdivision, and to execute a bond agreement for this subdivision. This authorization is subject to compliance with the letter of credit requirements of Article VI, Section C.2 of the Zoning Regulations, which include the use of a cash bond for at least ten percent of the total required bond. MOTION PASSED unanimously.

Request for site modifications, 455 Storrs Rd., file 510 – Mr. Hirsch's 1/17/06 memo explains that the request is for permission for completion and use of a new driveway onto Bassetts Bridge Rd. The application states that the drive, for which a permit was issued by Mansfield's Dep't. of Public Works, has been in use for several months. Mr. Kochenburger asked that the Town Attorney be consulted to make sure that discussion and action on this request would have no impact on pending litigation involving this applicant. Mr. Favretti pointed out that more precise curbing and drainage information may be needed than appears on the present plans. Holt MOVED, Gardner seconded, that the 1/13/06 request for site/building modifications from Brian McCarthy, for site modifications at 452 Storrs Road, be received and referred to the staff and Town Attorney for review and comment to the Commission. MOTION PASSED unanimously.

Communications and Bills – As noted on the agenda.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary